

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

\_\_\_\_\_  
GMAC MORTGAGE COMPANY,  
Plaintiff

V.

\_\_\_\_\_  
JEFFREY L. BAYKO, SR., LISA J.  
BAYKO, MICHAEL J. BAYKO, BANK  
NORTH GROUP, HANS HAILEY,  
CHARLES D. ROTONDI,  
COMMONWEALTH OF  
MASSACHUSETTS DEPARTMENT OF  
REVENUE, THE UNITED STATES OF  
AMERICA, GARY EVANS, CHRISTINE  
ANN FARO AND JOHN AQUINO,  
Defendant  
\_\_\_\_\_

CIVIL ACTION NO. 04-12448<sup>6</sup> AO

**ANSWER OF THE DEFENDANTS  
LISA BAYKO, CHARLES ROTONDI AND CHRISTINE ANN FARO**

**INTRODUCTION**

The Defendants, Lisa and Jeffrey Bayko, were divorced on May 22, 2002. The Separation Agreement survived the Judgment of Divorce Nisi as an independent contract with the exception of issues regarding health insurance, alimony, child custody, support and maintenance and visitation merged. The divorce and judgment of divorce nisi entered prior to any of the other liens or mortgages in this action.

Pursuant to the terms of the separation agreement (1) the property located at 7A Graham Ave., Newbury, MA was to be sold and the proceeds were to be split equally

between the parties; (2) \$66,000.00 was to be set aside from the sale of the marital home for the payment of joint marital debt and Attorney Gary Evans was named as Escrow Agent and the Attorney to represent both parties in working out the debt. (3) Lisa Bayko was to be paid out of Jeffrey Bayko's share of the proceeds \$17,000.00 in back child support, \$13,200.00 representing one years child support in advance, \$9,000.00 representing her one-half of a settlement (Separation Agreement, Article III, Section G, paragraphs 1.) Since the date of the Divorce, various orders have entered entitling Lisa Bayko to take further sums from Jeffrey Bayko's interest for further unpaid support and other expenses related to the children. To date the Defendant Lisa Bayko is currently owed \$28,859.89 in back child support; \$4,710.00 for college tuition for the parties unemancipated children; \$13,000.00 for one years child support; \$9,000.00 for settlement proceeds; and \$6,000.00 for credit card liabilities incurred on the Defendants credit by Jeffrey L. Bayko. The Defendant is also obligated to contribute \$33,000.00 out his share of proceeds to the parties' unsecured debt. A question exists as to what was discharged in the Defendant Jeffrey Bayko's bankruptcy.

The Defendants Christine Ann Faro and Charles Rontodi have continued to represent Lisa Bayko having not been paid for their services but have secured their fees by way of attorneys liens on the Defendant Lisa Bayko's interest. The Defendant Lisa Bayko as knowledge of the liens and has authorized continued representation.

1. Admit
2. The Defendants admit the allegation that Jeffrey L. Bayko, Sr. is an individual but are without sufficient information as to his address or whether Attorney

Gary Evans accepted service on his behalf and therefore neither admit or deny the remaining allegations in paragraph two of the complaint.

3. Admit
4. Admit
5. Admit
6. Admit
7. Admit
8. Admit
9. Admit
10. The Defendants admit Gary Evans is an Attorney but upon their information and belief his last known address is 8 Prospect Street, Georgetown, MA .
11. Admit
12. Admit
13. The Defendants admit that GMAC was the holder of a first mortgage given by Jeffrey L. Bayko and Lisa J. Bayko to the Family Mutual Savings Bank dated May 20, 1993 and recorded with the Essex County (Southern District) Registry of Deed at Book 11897, Page 525 but deny the remaining allegation of paragraph thirteen as the mortgage was secured by the property located at 7A Graham Ave., Newbury, MA.
14. Admit
15. Admit
16. Admit
- 17(a) Admit

17(b) Admit

17(c) Admit

17(d) The Defendants deny the allegations as set forth in paragraph 17(d) and call upon the Plaintiff and the Defendants, Michael J. Bayko and Helen Bayko, to prove same.

17(e) The Defendants admit the allegations as set forth in paragraph 17(e) but further state that said lien is against the Defendant Jeffrey Bayko's interest in the property.

17(f) Admit

17(g) The Defendants are without sufficient knowledge and therefore neither admit or deny the allegations as stated in paragraph 17(g) of the Plaintiff's complaint.

17(h) The Defendants admit the allegations as stated in paragraph 17(h) of the Plaintiff's complaint and further states that said liens as stated therein are against interest of Jeffrey L. Bayko, Sr. and not Lisa Bayko.

17(i) Admit

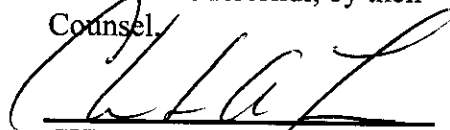
17(j) Admit

17(k) Admit

**WHEREFORE**, the Defendants request that the appropriate relief be granted and the Defendant Lisa Bayko be awarded her one half share of the proceeds and any amounts awarded to her pursuant to the terms of the separation agreement and other orders of the Probate & Family Court to be taken out of Jeffrey Bayko's interest in the

proceeds. The defendant Christine Ann Faro and Charles Rotondi will take out of Lisa Bayko's share.

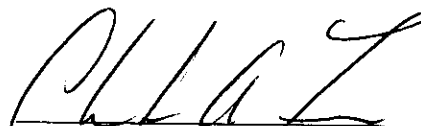
The Defendants, Lisa J.  
Bayko, Christine Ann Faro  
and Charles Rotondi, by their  
Counsel.



CHRISTINE ANN FARO  
BBO # 552541  
CHARLES ROTONDI  
BBO #  
79 State Street  
Newburyport, MA 01950

#### CERTIFICATE OF SERVICE

I, Christine Ann Faro, attorney for the Defendants, hereby certify that on this 23rd day of November 2004, I served a copy of the Defendant's Lisa J. Bayko, Christine Ann Faro's and Charles Rotondi's Answer to the Plaintiff's Complaint upon the parties of record by serving a copy of the same upon their counsel of record by first class mail, postage prepaid.

  
CHRISTINE ANN FARO

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